

Under act of 1785, ch. 80, where an executor or an original administrator dies pending a suit against him, administrator *de bonis non* may be made a party. *Gist v. Cockey*, 7 H. & J. 135. And see *Norfolk v. Gantt*, 2 H. & J. 435.

This section construed in connection with the act of 1785, ch. 80, sec. 2—see notes to sec. 68. *Tise v. Shaw*, 68 Md. 6.

This section applied in connection with sec. 67. *Young v. Citizens' Bank*, 31 Md. 70.

As to continuances, see sec. 62, *et seq.*

Where a party to a suit involving the title to land dies, leaving an infant a proper party to be substituted, see sec. 68.

The application for a writ of *habere* does not abate upon the death of the purchaser—see sec. 103.

As to abatement and revivor in equity, see art. 16, sec. 1, *et seq.* As to abatement in the court of appeals, see art. 5, sec. 81, *et seq.*

As to the death of one of two or more joint obligors against whom an action is brought, see art. 50, sec. 4, *et seq.*

As to the death of a party after issues from the orphans' court granted or applied for, see art. 93, sec. 226.

As to the revocation of the letters of a plaintiff or defendant executor or administrator pending a suit, see art. 93, sec. 260.

An. Code, sec. 26. 1904, sec. 26. 1888, sec. 25. 1785, ch. 262.

30. No action hereafter brought to recover damages for injuries to the person by negligence or default shall abate by reason of the death of the plaintiff, but the personal representatives of the deceased may be substituted as plaintiff and prosecute the suit to final judgment and satisfaction.

Whether this section is given effect or not, a libel by a stevedore filed in district of Maryland does not abate upon his death. *The Student*, 238 Fed. 936.

This section applies only to actions instituted in lifetime of alleged wrongdoer. *White v. Safe Dep. & Trust Co.*, 140 Md. 597.

Upon death of plaintiff pending an appeal in an action for personal injuries caused by negligence, the suit may be prosecuted by his administrators under this section and art. 5, sec. 81. *Siacik v. Northern Central Ry. Co.*, 92 Md. 214.

See notes to sec. 29.

An. Code, sec. 27. 1904, sec. 27. 1888, sec. 26. 1785, ch. 80.

31. If the proper person to defend shall fail to appear upon being summoned, the court shall issue an attachment of contempt against him and compel him to appear to such action; and if any person being summoned as aforesaid shall refuse or neglect to appear to such action by the fourth day of the court next after the court to which he may be summoned to appear, then the court may cause his appearance to be entered and there shall be the same proceedings therein as if he had voluntarily appeared, and all the proceedings had before the death of the party shall be considered as proceedings in the action and such further proceedings shall be had to bring the cause fairly to trial as the court may deem proper.

An. Code, sec. 28. 1904, sec. 28. 1888, sec. 27. 1785, ch. 80.

32. If the plaintiff in any action mentioned herein shall die before judgment is given, the heir, executor or other proper person to prosecute such action may appear and prosecute the same, but if such person does not appear to prosecute such action at the court at which the death is suggested, then the defendant may issue a summons returnable to the next court, directed to the proper person to prosecute such action, and if such person upon being summoned shall fail to appear the court, upon being